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OFFICE OF PETITIONS Atty. Docket No.: 3284/1230

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Habener et al.
Serial No.: 09/731,261
Filed: December 6, 2000
Titled: Stem Cells of the Islets of Langerhans
and Their Use In Treating Diabetes
Mellitus

Examiner: Wehbe, A.

Group Art Unit: 1632

Conf. No.: 9060

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8a

I hereby certify that this correspondence (and any paper or fee referred to as being enclosed) is being deposited with the United States Post Office as First Class Mail on the date indicated below in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Elizabeth N. Spar

Name of Person Faxing

Elizabeth N. Spar

Signature of Person Mailing Paper

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCEPT UNINTENTIONALLY DELAYED

CLAIM FOR PRIORITY UNDER 35 U.S.C. 119(E)

Dear Sir:

Applicants respectfully petition for acceptance of unintentionally delayed priority claim.

At the time of filing, the application claimed priority to U.S. Provisional Application No. 60/169,082, filed December 6, 1999, U.S. Provisional Application 60/215,109, filed June 28, 2000, and U.S. Provisional Application 60/238,880, filed October 6, 2000. As indicated in Applicants response to the Office Action dated April 11, 2003, this priority information was included on the patent application transmittal and is included on the filing receipt and the front page of the published application.

Applicants amended the specification to include the above-recited priority information in Applicants' response to the Office Action dated April 11, 2003.

Applicants hereby respectfully request that a claim of priority to U.S. Provisional Application No. 60/169,082, filed December 6, 1999, U.S. Provisional Application 60/215,109, filed June 28, 2000, and U.S. Provisional Application 60/238,880, filed October 6, 2000 be

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Adjustment date: 07/01/2004 AXELLEY
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01 FC:1454 1330.00 CR

Ser. No. 09/731,261

added to the present application. The entire delay between the date the claim was due and the present time was unintentional.

Please charge the \$1,330.00 surcharge under 37 C.F.R. §1.17(t) as well as any additional fees required in connection with the papers transmitted herewith to Deposit Account No. 16-0085, Reference No. 3284/1230.

Date:

2/5/04

Respectfully submitted,

Eugene M. Williams

Name: Kathleen M. Williams

Registration No.: 34,380

Customer No.: 29933

Palmer & Dodge LLP

111 Huntington Avenue

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TRANSMITTAL LETTER

Enclosed for filing the above-identified patent application, please find the following documents:

1. Petition to Accept Unintentionally Delayed Claim for Priority; and
2. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any the requisite fee of \$1,330.00 surcharge under 37 CFR § 1.17(e) and any additional fees or credit any overpayment in the total fees to Deposit Account No. 16-0085, Reference 3284/1230. A duplicate of this transmittal letter is enclosed for this purpose.

Date: 2/5/04

Respectfully submitted,

Elizabeth N. Spar Reg # 45,123 fr

Name: Kathleen M. Williams

Registration No.: 34,380

Customer No.: 29933

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